

The receiver authorized to sell the property according to the usual course of business.

After a firm has become insolvent, the partners are to be considered as trustees for the benefit of their creditors; and therefore a suit between such partners may be treated as a creditor's suit, and the partnership estate collected and distributed accordingly.

Where evidence in support of a claim, in a creditor's suit, is within the knowledge of a co-creditor who has filed his claim, and thus become a party to the suit, he may be required to answer interrogatories on oath.

Where testimony is proposed to be taken in support of a claim, notice of the taking of it must be so given as that it may be presumed to have been fully and correctly reported to the Court.

419 * The mode of having creditors called in, and their claims adjusted before the auditor in a creditor's suit.

The originally suing creditor's claim having been decided upon, or so much of it as has been decided upon by the decree, cannot be afterwards drawn in question.

an order to pay over to the insolvent trustee would follow as a matter of course. 3. That until the amount of his liability was determined the receiver was not *functus officio*, and his appointment by the insolvent Court did not discharge him from responsibility to the Chancery Court for the faithful discharge of his trust as receiver. *Henry v. Kaufman*, 24 Md. 1. As to the compensation of receivers, see *Abbott v. Packet Co.* 4 Md. Ch. 310.

3. *Suits by and against receivers.* The receiver of a dissolved corporation is entitled to maintain a suit against a stockholder for a balance due on his subscription to the stock of the dissolved corporation. *Stillman v. Dougherty*, 44 Md. 380; Rev. Code, Art. 67, V, secs. 14-17. As to a receiver's authority to sue generally, see *Hayes v. Brotzman*, 46 Md. 519; or in his own name, *Frank v. Morrison*, 58 Md. 440. Such power is, as a rule, limited to the Courts of the State in which he is appointed. *Bartlett v. Wilbur*, 53 Md. 494; *Ins. Co. v. Langley*, 62 Md. 202.

The Court will not allow its receivers to be sued touching the property in his charge, nor for any malfeasance as to the parties or others, without its consent: nor will it permit his possession to be disturbed by force, nor violence to be offered to his person while in the discharge of his official duties. In such cases the Court will vindicate its authority, and if need be will punish the offender by fine and imprisonment for contempt. When property in the hands of a receiver is claimed by another, the right may be tried by proper issues at law, by reference to a master or otherwise, as the Court in its discretion may see fit to direct. Where property in the possession of a third person is claimed by the receiver, the complainant must make such person a party by amending the bill, or the receiver must proceed against him by suit in the ordinary way. *Davis v. Gray*, 16 Wallace, 218. As to the rights of a party having a judgment lien on land in the possession of a receiver, see *Wiswall v. Sampson*, 14 Howard, 52; *Ellicott v. Ins. Co.* 7 Gill, 307. Property in the hands of a receiver cannot be distrained upon without the permission of the Court. *Everett v. Neff*, 28 Md. 177.

4. *Appeals.* Under Rev. Code, Art. 71, sec. 41, an appeal lies from an order appointing a receiver, the answer of the party appealing being first filed. As to the effect of an appeal, and what will be determined thereon, see *Cain v. Warford*, 7 Md. 282; *Voshell v. Hynson*, 26 Md. 83; *Everett v. State*, 28 Md. 190; *Reeder v. Machen*, 57 Md. 56; *Shannon v. Wright*, 60 Md. 520. No appeal lies from an order discharging a receiver. *R. R. v. R. R.* 55 Md. 156.